

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15 CR 80-1

UNITED STATES OF AMERICA,)	
)	
v.)	
)	
JAMES RALPH BRADY,)	
)	
and)	
)	
EASTERN BAND OF CHEROKEE INDIANS,)	
)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

This matter is before the Court on the Answer of the Garnishee (Doc. 69) Eastern Band of Cherokee Indians (“Tribe”), the Government’s response (Doc. 71), and the Government’s Motion for Order of Continuing Garnishment (Doc. 72).

On August 30, 2018, the Honorable Martin Reidinger, United States District Judge, sentenced Defendant to nine months’ incarceration for his violations of the conditions of his supervised release. See (Doc. 59). As part of the Judgment, Defendant was ordered to pay \$1,342.50 in court-appointed counsel fees. Subsequently, the United States sought to garnish Defendant’s *per capita* gaming revenue.

On May 24, 2019, the Court entered a Writ of Continuing Garnishment as to the Tribe. (Doc. 65). The United States is entitled to garnish the *per capita* payments and has satisfied the prerequisites set forth in 15 U.S.C. § 1673 and other applicable statutes.

On June 6, 2019, the Tribe filed its Answer (Doc. 69) which sets forth objections and defenses to the Government's right to garnish and requests that the writ of continuing garnishment be quashed.

Similar objections were considered and overruled in this case in relation to a previously entered writ of continuing garnishment. (Doc. 39). That ruling is the law of the case and no argument has been presented as to why it should now be disturbed.

IT IS THEREFORE ORDERED THAT:

1. The Tribe's objections, defenses, and set offs are **OVERRULED** and its motion to quash is **DENIED**;
2. The Government's Motion for Order of Continuing Garnishment (Doc. 72) is **GRANTED**; and
3. An Order of Continuing Garnishment is **ENTERED** in the amount of \$1,317.50, which is the balance of the debt as calculated through May 2, 2019. This Order shall attach to each *per capita* distribution of gaming revenues, and all such revenue shall be garnished in favor of

the United States until Defendant's debt for court-appointed counsel fees is paid in full.

Signed: October 11, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

